

## Consumer Product Safety Commission

## § 1025.2

- 1025.45 *In camera* materials.
- 1025.46 Proposed findings, conclusions and order.
- 1025.47 Record.
- 1025.48 Official docket.
- 1025.49 Fees.

### Subpart F—Decision

- 1025.51 Initial decision.
- 1025.52 Adoption of initial decision.
- 1025.53 Appeal from initial decision.
- 1025.54 Review of initial decision in absence of appeal.
- 1025.55 Final decision on appeal or review.
- 1025.56 Reconsideration.
- 1025.57 Effective date of order.
- 1025.58 Reopening of proceedings.

### Subpart G—Appearances, Standards of Conduct

- 1025.61 Who may make appearances.
- 1025.62 Authority for representation.
- 1025.63 Written appearances.
- 1025.64 Attorneys.
- 1025.65 Persons not attorneys.
- 1025.66 Qualifications and standards of conduct.
- 1025.67 Restrictions as to former members and employees.
- 1025.68 Prohibited communications.

### Subpart H—Implementation of the Equal Access to Justice Act in Adjudicative Proceedings With the Commission

- 1025.70 General provisions.
- 1025.71 Information required from applicant.
- 1025.72 Procedures for considering applications.

#### APPENDIX I TO PART 1025—SUGGESTED FORM OF FINAL PREHEARING ORDER

AUTHORITY: Consumer Product Safety Act (secs. 15, 20, 27 (15 U.S.C. 2064, 2069, 2076)), the Flammable Fabrics Act (sec. 5, 15 U.S.C. 1194), the Federal Trade Commission Act (15 U.S.C. 45)), unless otherwise noted.

SOURCE: 45 FR 29215, May 1, 1980, unless otherwise noted.

### Subpart A—Scope of Rules, Nature of Adjudicative Proceedings, Definitions

#### § 1025.1 Scope of rules.

The rules in this part govern procedures in adjudicative proceedings relating to the provisions of section 15 (c), (d), and (f) and 17(b) of the Consumer Product Safety Act (15 U.S.C. 2064 (c), (d), (f); 2066(b)), section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274), and sections 3 and 8(b) of

the Flammable Fabrics Act (15 U.S.C. 1192, 1197(b)), which are required by statute to be determined on the record after opportunity for a public hearing. These rules will also govern adjudicative proceedings for the assessment of civil penalties under section 20(a) of the Consumer Product Safety Act (15 U.S.C. 2068(a)), except in those instances where the matter of a civil penalty is presented to a United States District Court in conjunction with an action by the Commission for injunctive or other appropriate relief. These Rules may also be used for such other adjudicative proceedings as the Commission, by order, shall designate. A basic intent of the Commission in the development of these rules has been to promulgate a single set of procedural rules which can accommodate both simple matters and complex matters in adjudication. To accomplish this objective, broad discretion has been vested in the Presiding Officer who will hear a matter being adjudicated to allow him/her to alter time limitations and other procedural aspects of a case, as required by the complexity of the particular matter involved. A major concern of the Commission is that all matters in adjudication move forward in a timely manner, consistent with the Constitutional due process rights of all parties. It is anticipated that in any adjudicative proceedings for the assessment of civil penalties there will be less need for discovery since most factual matters will already be known by the parties. Therefore, the Presiding Officer should, whenever appropriate, expedite the proceedings by setting shorter time limitations than those time limitations generally applicable under these Rules. For example, the 150-day limitation for discovery, as provided in § 1025.31(g), should be shortened, consistent with the extent of discovery reasonably necessary to prepare for the hearing.

[45 FR 29215, May 1, 1980, as amended at 47 FR 46846, Oct. 21, 1982]

#### § 1025.2 Nature of adjudicative proceedings.

Adjudicative proceedings shall be conducted in accordance with Title 5, United States Code, sections 551 through 559, and these Rules. It is the